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Repeal Of Parole. Fixed Sentencing.

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Office of the Secretary of State
Tony Miller
Acting Secretary of State

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

August 30, 1994

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPOSER (94211)

FROM:


CATHY MITCHELL
INITIATIVE COORDINATOR

Pursuant to Elections Code section 3520(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: REPEAL OF PAROLE. FIXED SENTENCING.
INITIATIVE STATUTE.

SUMMARY DATE: March 22, 1994

PROPOSER: E. Andrew Schooler

county\status.ltr\94211



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#641

March 22, 1994

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (94076)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

REPEAL OF PAROLE. FIXED SENTENCING.
INITIATIVE STATUTE.

Circulating and Filing Schedule

1. Minimum number of signatures required 384,974
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Tuesday, 03/22/94
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Tuesday, 03/22/94
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Thursday, 08/18/94
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State Tuesday, 08/30/94

(If the Proponent files the petition with the county on a date prior to 08/18/94, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).



- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Thursday, 09/08/94*
- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Monday, 10/24/94

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 09/08/94, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).
- f. If the signature count is more than 423,472 or less than 365,726 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 365,726 and 423,472 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures . . Thursday, 11/03/94*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 12/20/94

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 11/03/94, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).
- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 12/24/94*

* Date varies based on receipt of county certification.

4. The Proponent of the above-named measure is:


E. Andrew Schooler
Citizens for Constructive Change
P.O. Box 1137
Del Mar, CA 92014
(800) 626-CfCC

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; Bilofsky v. Deukmejian (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 41, 41.5, 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

**NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 8, 1994
GENERAL ELECTION:** This initiative must be certified for the ballot 131 days before the election (June 30, 1994). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by April 22, 1994. If a 100% check of signatures is necessary, it is advised that the petitions be filed by March 2, 1994.

Sincerely,


DEIRDRE AVENT
ELECTIONS ANALYST

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

March 22, 1994

FILED
In the office of the Secretary of State
of the State of California

MAR 22 1994

Tony Miller
Acting Secretary of State
1230 J Street
Sacramento, CA 95814

TONY MILLER
Acting Secretary of State
Pearl Arent
Deputy

Re: Initiative Title and Summary
Subject: REPEAL OF PAROLE. FIXED SENTENCING. INITIATIVE STATUTE.
File No: SA 94 RF 0009

Dear Mr. Miller:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

Kathleen F. DaRosa/sf

KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: March 22, 1994
File No: SA94RF0009

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure.

REPEAL OF PAROLE. FIXED SENTENCING. INITIATIVE STATUTE. Prohibits parole, sentence reductions or early release for persons who commit felony offenses after enactment. Present parole system caseload to be reduced until eliminated. Any savings to be used for construction, maintenance and operation of state prisons. Requires all sentences to be fixed and certain. Sentences of three years or less are not served in state prison. Imposes an assessment on criminal convictions to pay for county jails. Imposes an additional consecutive ten-year sentence for use of a firearm in the commission of a serious felony when upper term or maximum sentence imposed. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Would result in major net costs to the state and local governments, with the largest share being borne by counties. Elimination of parole would result in the redirection of hundreds of millions of dollars to fund state prisons. Elimination of prison sentence-reduction credits would increase the state's prison population resulting in major state costs (in excess of \$1 billion annually). Transfer of offenders from state prison to county jails would cause a shift of several billions of dollars of annual incarceration and one-time construction costs from the state to local governments. A portion of these costs would be offset by proposed assessments. The prison enhancement for use of a firearm would result in costs of several million dollars.

January 25, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kathleen F. DaRosa
Attorney General of California
Public Inquiry Section
Post Office Box 944255
Sacramento, California 94244-2550

RECEIVED
JAN 26 1994INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ms. DaRosa:

The enclosed measure is submitted for title and summary.

Pursuant to §§3502 and 3503, a bank check in the sum of \$200.00 is enclosed as well as a declaration signed under penalty of perjury regarding appropriation.

The proposed title for this measure is "CRIME REDUCTION ACT."

The proposed summary is as follows:

Require truth in sentencing, mandating that all sentences be fixed and certain at time of sentencing and served in their entirety; to eliminate parole and early release programs; to make available additional prison space by requiring that all sentences of three years or less be served locally at less cost than state prison; to increase maximum sentences by ten years for the use of a firearm in the commission of a serious felony; and to provide an assessment on all criminal convictions to pay the cost of additional local inmate facilities.

Your courtesy and cooperation are appreciated.

Thank you,

CITIZENS FOR CONSTRUCTIVE CHANGE


E. Andrew Schooler,
President

2017 APR 0007

Proponent: E. Andrew Schooler, President
Citizens for Constructive Change

CRIME REDUCTION ACT

Section I. Title. This act shall be known as the Crime Reduction Act.

Section II. Intent. The intent of this act is to require truth in sentencing, mandating that all sentences be fixed and certain at time of sentencing and served in their entirety; to eliminate parole and early release programs; to make available additional prison space by requiring that all sentences of three years or less be served locally at less cost than state prison; to increase maximum sentences by ten years for the use of a firearm in the commission of a serious felony; and to provide an assessment on all criminal convictions to pay the cost of additional local inmate facilities.

Section III. No Retroactive Effect. No provision in this measure shall have retroactive effect. This measure shall apply to all and only offense dates after passage of this act.

Section IV. No Indeterminate Sentencing.

(a) All sentences shall be fixed and certain at time of sentencing. Indeterminate sentencing statutes shall become the range by which the sentencing body may fix sentence, unless or until said statute is modified or replaced to comply with the intent of this act.

Section V. Eliminate State Parole System. No parole shall be granted, nor shall there be sentence reduction, early release, or any other such program for any felony sentence. Any felony sentence imposed shall be served in its entirety and not altered except through legal process.

(a) The parole system shall be reduced as case load allows until it can be eliminated completely.

(b) All monies saved from reduction and ultimate elimination of the state parole system shall be used exclusively for construction, maintenance, and operation of state prisons.

Section VI. No State Prison for Sentences of Three (3) Years or Less. No sentence of incarceration of three years or less shall be to state prison.

Section VII. Use of Firearm. The use of a firearm in the commission of a serious felony, as defined in Penal Code Section 1192.7(c), whether or not the use of a firearm is an element of the offense, shall result in an additional consecutive sentence of ten years incarceration when the court makes a finding of the upper term or imposes the maximum sentence for the underlying offense, except where the death penalty or life in prison is the maximum sentence.

Section VIII. Assessment. An assessment shall be imposed on all criminal convictions to pay for local County inmate facilities. The assessment shall be \$25.00 per infraction, \$50.00 per misdemeanor, and \$100.00 per felony. This assessment shall be collected by the Courts and released to the County wherein the Court is located.

Section IX. Conflicts. Should any provision of this measure conflict with any existing law, this measure shall supersede that law or provision and any statute in conflict shall be interpreted or modified in part or whole as required to comply with the provisions and intent of this statute.

Section X. Severability. If any provision, or portion of a provision, of this act or application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision, portion of provision, or application, and to this end the provisions of this act are severable.

Section XI. Amendment. The provisions of this act shall not be amended by the Legislature except to further its purposes by a statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate.

Section XII. Enforcement. It shall be a misdemeanor punishable by one year incarceration for any state or local employee or representative to obstruct or impede the implementation of this act once passed, except through legal process.